# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/809,249 | 03/25/2004 | Timothy P. McKee | MSFT122022 | 6683 |

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| EXAMINER |
|---|
| FATEHI, PARHAM R |

| ART UNIT | PAPER NUMBER |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/809,249 | MCKEE ET AL. |
| | Examiner | Art Unit | |
| | PAUL R. FATEHI | 2194 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>04 December 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>1-43</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-43</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

1.  Claims 1-43 are pending in this application. Examiner has performed a new search and has found relevant prior art.

### *Claim Rejections - 35 USC § 102*

2.  The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.  Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Powers et Al. (US 7,272,660), hereafter Powers.

4.  As per claim 1, Powers teaches receiving a message to register a process for communication events; and in response to receiving the message, registering the process (see Fig. 10C & col. 16, ln 46-53, registering a process responsive to receiving a message for communication events).

5.  As per claim 2, Powers teaches one type of communication event occurs when a notification from a sender is not delivered to a user due to the user's context (col. 13, ln 31-34, rules set for message non-delivery).

6. As per claim 3, Powers teaches the registered process is a program that has data regarding the user that is outside the data that is maintained by the other components of the system (col. 12, ln 30-42, has data regarding user that is not maintained by other programs).

7. As per claim 4, Powers teaches in response to receiving a communication event, the registered process may provide a customized message to the sender of the notification that includes data about the user (col. 11, ln 15-20, sends message & col. 12, ln 43-59, which can include data regarding the user).

8. As per claim 5, Powers teaches the registered process is a calendaring program and the data about the user indicates a time when the user may next be available (col. 13, ln 35-38, a presence manager scours for availability and can indicate when user is next available).

9. As per claim 6, Powers teaches the data about the user includes at least one alternative contact for the user (col. 13, ln 32-35, data about the user includes alternative contact for the user).

10. As per claim 7, Powers teaches the sender is evaluated according to selected criteria to determine whether the registered process will send a customized

message to the sender (col. 13, ln 23-28, rules & customized message to

sender).

11. As per claim 8, Powers teaches the evaluation of the sender comprises a

determination of whether or not the sender has been placed on a list by the user

(col. 13, ln 23-28, create profile based on rules, in which they determine events

of which they want to be notified and how they want to be notified, rules are

analogous with specified listings).

12. As per claim 9, Powers substantially teaches the invention as claimed. Claim 9

is also rejected under the same reasons as claim 1 above.

13. As per claim 10, Powers teaches the communication event is related to a

notification that is sent from a sender to a user (col. 13, ln 30-35, notification sent

from sender to user).

14. As per claim 11, Powers teaches the information regarding the communication

event indicates that the notification did not reach the user (col. 16, ln 30 – col. 17,

ln 10).

15. As per claim 12, Powers teaches the information regarding the communication

event includes a copy of the notification (see Fig. 12)..

16. As per claim 13, Powers substantially teaches the invention as claimed. Claim

13 is also rejected under the same reasons as claim 3 above.

17. As per claim 14, Powers teaches the data provided to the registered process

comprises data regarding the user's activities (col. 11, In 15-20, sends message

& col. 12, In 43-59, which can include data regarding the user & col. 12, In 30-42,

has data regarding user that is not maintained by other programs).

18. As per claim 15, Powers substantially teaches the invention as claimed. Claim

15 is also rejected under the same reasons as 4 above.

19. As per claim 16, Powers teaches the sender is evaluated according to selected

criteria to determine whether the registered process will send a customized

message to the sender (col. 13, In 23-38, customized message to sender when

message does not reach user).

20. As per claim 17, Powers teaches a sending component which sends

notifications; a receiving component which receives the notifications and under

specified conditions delivers the notifications to a user; and a registered process;

wherein when the sending component sends a notification to the receiving

component, if the notification is not delivered to the user then a message is sent

to the registered process regarding the non-delivery of the notification (col. 1, ln 55-60, notification & see Fig. 10C, registering process & col. 13, ln 23-38, rules set for message non-delivery to deliver message).

21. As per claim 18, Powers teaches the specified conditions under which a notification will not be delivered to a user are determined according to a user context (col. 14, ln 1-5, user privileges & col. 13, ln 23-28, profile is based on rules).

22. As per claim 19, Powers substantially teaches the invention as claimed. Claim 19 is rejected under the same reasons as claim 3 above.

23. As per claim 20, Powers teaches in response to receiving a message regarding the non-delivery of a notification the registered process provides a customized message to the sending component that includes data about the user (col. 13, ln 20-38).

24. As per claim 21, Powers teaches the registered process is a calendaring program and the data about the user indicates a time when the user may next be available (col. 13, ln 31-34, calendaring/scheduling program and message is customizable to include when next available & col. 13, ln 35-38, a presence manager scours for availability and can indicate when a user is next available).

25. As per claim 22, Powers teaches the data about the user includes at least one alternative contact for the user (col. 13, ln 32-35, data about the user includes alternative contact for the user).

26. As per claim 23, Powers teaches the sender is evaluated according to selected criteria to determine whether the registered process will send a customized message to the sender (col. 13, ln 23-28, rules & customized message to sender).

27. As per claim 24, Powers teaches the evaluation of the sender comprises a determination of whether or not the sender is on a specified list (col. 13, ln 23-28, create profile based on rules, in which they determine events of which they want to be notified and how they want to be notified, rules are analogous with specified listings).

28. As per claim 25, Powers teaches, a first process for setting a user context (col. 14, ln 1-5, user privileges); a second process for generating a notification (col. 1, ln 55-60, notification); and a third process that is registered (see Fig. 10C, where interest is registered); wherein the registered third process receives an event message in response to a notification not being delivered to a user (col. 11, ln

15-20, sends message & col. 12, In 43-59, which can include data regarding the user).

29. As per claim 26, Powers teaches wherein the second process is a communication program (col. 2, In 5-10, communication program).

30. As per claim 27, Powers teaches wherein the communication program comprises one of an email or instant messaging program (col. 12, In 45-50, IM).

31. As per claim 28, Powers teaches the registered third process is a program that has data regarding the user that is outside the data that is maintained by the other components of the system (col. 12, In 30-42, has data regarding user that is not maintained by other programs).

32. As per claim 29, Powers teaches the registered third process is a calendaring program that has data regarding the user's scheduled activities (col. 12, In 43-58, calendaring program has data regarding user's scheduling activities).

33. As per claim 30, Powers teaches the registered third process provides a customized message to the sender of the notification which includes information regarding the user (col. 11, In 15-20, sends msg & col. 12, In 43-59, which can include information regarding user).

34. As per claim 31, Powers teaches the customized message indicates a time when the user may next be available (col. 13, ln 35-38, a presence manager scours for availability and can indicate when user is next available).

35. As per claim 32, Powers teaches the user context that is set by the first process indicates when the user is not available to interruption (col. 13, ln 31-34, user context indicates when the user is not available to interrupt).

36. As per claim 33, Powers teaches the third process receives an event message indicating that a notification was not delivered to the user, the registered third process sends a customized message indicating when the user may next be available (col. 13, ln 31-34, message is customizable by user to include when next available). Also, refer to the rejection of claim 31 above.

37. As per claim 34, Powers teaches the sender of the notification is evaluated according to selected criteria to determine whether the registered third process will send a customized message to the sender when a notification does not reach the user (col. 13, ln 23-38, customized message to sender when it does not reach user).

38. As per claims 35-36, Powers teaches the evaluation of the sender comprises a determination of whether or not the sender has been placed in a category that the user has selected; and wherein the category comprises a list of people that the user has selected (col. 13, ln 23-28, create profile based on rules, in which they determine events of which they want to be notified, and how they want to by notified, including by whom to be notified).

39. As per claim 37-38, Powers substantially teaches the invention as claimed. Claims 37-38 are also rejected under the same reasons as claim 9 above.

40. As per claims 40-41, Powers substantially teaches the invention as claimed. Claim 40-41 are also rejected under the same reasons as claim 20 above.

41. As per claim 42, Powers teaches if a customized message is sent, the customized message is made to include data about the user (col. 11, ln 15-20, sends message & col. 12, ln 43-59, which can include data regarding the user).

42. As per claim 43, Powers teaches the data about the user indicates a time when the user may next be available (col. 13, ln 35-38, a presence manager scours for availability and can indicate when user is next available).

### *Conclusion*

43. Any inquiry concerning this communication or earlier communications from the

    examiner should be directed to PAUL R. FATEHI whose telephone number is

    (571)270-1407. The examiner can normally be reached on M-F 10:30AM-7PM

    EST.


44. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

    supervisor, William Thomson can be reached on (571)272-3718. The fax phone

    number for the organization where this application or proceeding is assigned is

    571-273-8300.


45. Information regarding the status of an application may be obtained from the

    Patent Application Information Retrieval (PAIR) system. Status information for

    published applications may be obtained from either Private PAIR or Public PAIR.

    Status information for unpublished applications is available through Private PAIR

    only. For more information about the PAIR system, see http://pair-

    direct.uspto.gov. Should you have questions on access to the Private PAIR

    system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

    free). If you would like assistance from a USPTO Customer Service

    Representative or access to the automated information system, call 800-786-

    9199 (IN USA OR CANADA) or 571-272-1000.

2/19/08

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